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RECEIVED

JUL 21 2004

OFFICES IN:  
MANCHESTER  
CONCORD  
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July 21, 2004

Waste Management Council  
Attn: Mr. Michael Sclafani, Appeals Clerk  
c/o DES Legal Unit  
29 Hazen Drive  
PO BOX 95  
Concord, NH 03302-0095

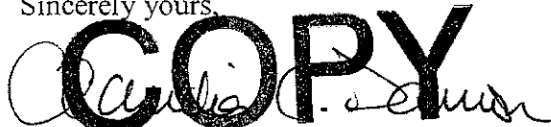
**Re: Docket No. 04-10 WMC**

Dear Mr. Sclafani:

This is to advise that we are withdrawing the above-captioned appeal. Enclosed is a copy of the revised Groundwater Management Permit, which serves as the "settlement agreement" in this matter.

Please let me know if you have any questions.

Sincerely yours,

  
Claudia C. Damon

cc: Jennifer J. Patterson, Esq.  
Senior Assistant Attorney General  
Environmental Protection Bureau  
NH Department of Justice  
33 Capitol Street  
Concord, NH 03301-6397



The  
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES  
hereby issues  
GROUNDWATER MANAGEMENT PERMIT NO. GWP-198805019-H-001  
to the permittee  
FIVE-N-ASSOCIATES  
to monitor the past discharge of  
Chlorinated Volatile Organic Compounds  
at  
COMPUTER OPTICS SITE  
(120 Derry Road)  
in HUDSON, N.H.  
via the groundwater monitoring system comprised of  
23 monitoring wells and one supply well  
as depicted on the Site Plan entitled  
Site Plan

dated February 8, 2004, prepared by HTE Northeast, Inc.

TO: PETER NASH  
FIVE-N-ASSOCIATES  
40 TEMPLE STREET  
NASHUA, NH 03060

Date of Issuance: March 8, 2004  
Date of Revision: July 21, 2004  
Date of Expiration: March 7, 2009

Pursuant to authority in N.H. RSA 485-C:6-a, the New Hampshire Department of Environmental Services (Department), hereby grants this permit to monitor past discharges to the groundwater at the above described location for five years subject to the following conditions:

(continued)

STANDARD MANAGEMENT PERMIT CONDITIONS

1. The permittee shall not violate Ambient Groundwater Quality Standards adopted by the Department (N.H. Admin. Rules Env-Wm 1403) in groundwater outside the boundaries of the Groundwater Management Zone, as shown on the referenced site plan.
2. The permittee shall not cause groundwater degradation that results in a violation of surface water quality standards (N.H. Admin. Rules Env-Ws 1700) in any surface water body.
3. The permittee shall allow any authorized staff of the Department, or its agent, to enter the property covered by this permit for the purpose of collecting information, examining records, collecting samples, or undertaking other action associated with this permit.
4. The permittee shall apply for the renewal of this permit 90 days prior to its expiration date.
5. This permit is transferable only upon written request to, and approval of, the Department. Compliance with the existing Permit shall be established prior to ownership transfer. Transfer requests shall include the name and address of the person to whom the permit transfer is requested, signature of the current and future permittee, and a summary of all monitoring results to date.
6. The Department reserves the right, under N.H. Admin. Rules Env-Wm 1403, to require additional hydrogeologic studies and/or remedial measures if the Department receives information indicating the need for such work. In reserving this right, the Department does not intend to limit in any way the permittee's right to dispute the need for such studies and/or remedial measures.
7. The permittee shall maintain a water quality monitoring program and submit monitoring results to the Department's Groundwater Management Permits Coordinator no later than 45 days after sampling. Samples shall be taken from on-site monitoring wells and private supply wells as shown and labeled on the referenced site plan and listed on the following table in accordance with the schedule outlined herein:

<u>Monitoring Locations</u>	<u>Sampling Frequency</u>	<u>Parameters</u>
HE-1, HE-2, HE-3, HE-4, HE-5, HE-6, HE-7, HE-9, HE-11, HE-12, HE-13, HE-14, HTE-16, HTE-17, HTE-18, HTE-19, HTE-21, HTE-22, MW-1, MW-A, MW-B, MW-C and MW-D	April, August, and November of each year.	Static groundwater elevations and NHDES Hazardous Waste Remediation Short List of Analytes for Volatile Organics.
Private Supply Well PWW	April, August, and November of each year	NHDES Petroleum and Hazardous Waste Remediation Full List of Analytes for Volatile Organics.

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Samples shall be obtained using sampling procedures and protocol described in "Practical Guide for Ground-Water Sampling," USEPA current edition, and "RCRA Ground-Water Monitoring: Draft Technical Guidance," USEPA current edition. Samples shall be analyzed by a laboratory certified by the U.S. Environmental Protection Agency or the New Hampshire Department of Environmental Services.

Summaries of water quality shall be submitted annually to the Department's Waste Management Division, attention Groundwater Management Permits Coordinator, in the month of January, using a format acceptable to the Department. The Annual Report shall include:

- A tabular summary of all monitoring results to date with comparison to the Department's GW-1 and GW-2 groundwater standards;
- Plots of contaminant concentrations versus time for each contaminated monitoring well using uniform scales for both axes of the plots;
- Plots of molar units of each contaminant versus time for each contaminated monitoring well using uniform scales for both axes of the plots;
- Comparison of molar units for parent and daughter products at each monitoring well location;
- An assessment of trends in the data;
- An evaluation of the performance of the remedial action plan; and
- Any recommendations for modifications to the remedial action plan (including recommendations to increase or decrease the extent of the monitoring well network).

8. Issuance of this permit is based on the Groundwater Management Permit Application dated February 19, 2004 and the historical documents found in the Department file DES #198805019. The Department may require additional hydrogeologic studies and/or remedial measures if invalid or inaccurate data are submitted. In reserving this right, the Department does not intend to limit in any way the permittee's right to dispute the need for such studies and/or remedial measures.
9. Within 60 days of the date of Department approval of this Groundwater Management Permit, the permit holder shall record notice of the permit in the registry of deeds in the chain of title for the **lots** within the Groundwater Management Zone. **This recordation requires that the registry be provided with book and page numbers for the deed of each lot encumbered by this permit. Portions of State/Town/City roadways and associated right-of-way properties within the Groundwater Management Zone do not require recordation.** A copy of the recorded notice shall be submitted to the Department within 30 days of recordation.

10. Within 30 days of discovery of a violation of an ambient groundwater quality standard at or outside the Groundwater Management Zone boundary, the permittee shall notify the Department in writing. Within 60 days of discovery, the permittee shall submit a work scope for development of a revised remedial action plan, including a schedule of milestones, to the Department for approval. The Department shall approve the revised remedial action plan if compliance with Env-Wm 1403.08 has been demonstrated.

SPECIAL CONDITIONS FOR THIS PERMIT

11. Recorded property within the Groundwater Management Zone shall include the lots as listed and described in the following table:

<b>Tax Map/ Lot #</b>	<b>Property Address</b>	<b>Owner Name and Address</b>	<b>Deed Reference (Book/Page)</b>
Map 156 Lot 15	120 Derry Road Hudson, NH	Five-N-Associates 40 Temple Street Nashua, NH 03060	BK 6045 PG 844
Map 156 Lot 16	126 Derry Road Hudson, NH	Nash Family Investment Properties 40 Temple Street Nashua, NH	BK 5072 PG 1309

12. The Lot numbers for all properties shown on Figures 2 and 3 of the permit application package did not agree with the Lot numbers shown on Figure 4 (Groundwater Management Zone). Figures 2 and 3 of the permit application package shall be revised in accordance with Figure 4 and copies of the revised figures shall be submitted to the Department by October 15, 2004 with the August 2004 Groundwater Monitoring Data Submittal.
13. Department inspection of the site in April 1981 indicated TCE sludge from a recycling still was disposed of in a dumpster located west of the site building. An assessment for residual soil impacts associated with the past TCE sludge disposal in the site solid waste dumpster shall be conducted to determine whether there are residual sources of dissolved CVOC groundwater contamination within the unsaturated zone at the site. A sufficient number of soil samples shall be collected from areas of the site likely to have received runoff from the vicinity of the solid waste dumpster. The soil samples shall be analyzed for the Department's Hazardous Waste Short List of Analytes for Volatile Organics (CVOC short list). A work scope shall be submitted for Department review and approval no later than August 6, 2004.
14. Unsaturated zone soil samples at several locations immediately beneath the two site leach fields and samples of the sludge in both site leach fields shall be obtained in August 2004. The site leach field assessment work shall be conducted in accordance with the HTE Northeast, Inc. (HTE) work scope dated March 23, 2004 and the Department's June 2, 2004 correspondence. The leach field soil and sludge samples shall be analyzed for the CVOC short list and the analytical data shall be submitted to the Department by October 15, 2004 with the August 2004 Groundwater Monitoring Data Submittal.

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15. The source of dissolved CVOCs detected in the shallow and deep overburden groundwater at the downgradient Tri State Mechanical and RdF sites has not been fully assessed. Therefore, a Department opinion regarding who should be responsible for monitoring groundwater quality at the Tri State Mechanical and RdF sites has not been reached. As requested in the Department's December 12, 2003 correspondence, the permittee shall conduct a comprehensive groundwater monitoring round to aid in assessing the source(s) of dissolved chlorinated volatile organic compounds (CVOCs) detected at the Computer Optics site and the downgradient Tri State Mechanical and RdF sites. The comprehensive monitoring round shall be conducted in conjunction with the August 2004 permit monitoring round. Groundwater samples shall be obtained from all existing monitoring wells on Lots 9, 10, 11, 12, 13, 14, 15, and 16 and downgradient monitoring wells HTE-24S and HTE-24D and the groundwater samples shall be analyzed for the CVOC short list. A consistent sampling methodology shall be used at all monitoring well locations. Surface water samples shall also be obtained at surface water sampling locations SW-1, SW-2, and SW-3 as part of the comprehensive monitoring round. The surface water samples shall also be analyzed for the CVOC short list. The surface water analytical results shall be compared to the Department's Water Quality Criteria for Toxic Substances in accordance with Env-Ws 1700 "Surface Water Regulations".

Performance of the single comprehensive round of off-site groundwater monitoring requested under this permit condition shall not be construed by the Department as an admission and or acceptance of responsibility for off-site contamination on the part of the permittee. Rather, compliance with this permit condition merely demonstrates the permittee's cooperation in providing necessary information to assess the distribution of groundwater contaminants in the site vicinity which may or may not be related to past releases at the site or other downgradient properties.

A combined August 2004 Groundwater Monitoring Data submittal and comprehensive groundwater monitoring report (report) shall be submitted to the Department by no latter than October 15, 2004.

  
COPY  
Carl W. Baxter, P.E.  
Administrator, Hazardous Waste Remediation Bureau  
Waste Management Division

Under RSA 21-0:14 and 21-0:9-V, any person aggrieved by any terms or conditions of this permit may appeal to the Waste Management Council in accordance with RSA 541-A and N.H. Admin. Rules, Env-WMC 200. Such appeal must be made to the Council within 30 days and must be addressed to the Chairman, Waste Management Council, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

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